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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,557	01/16/2002	Daniel Roy Schlee	SCHLEE0201	9638
24507	7590	09/05/2006	EXAMINER	
MICHAEL BLAINE BROOKS, P.C. P.O. BOX 1630 SIMI VALLEY, CA 93062-1630			NGUYEN, TRI V	
			ART UNIT	PAPER NUMBER

1751

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/051,557	SCHLEE, DANIEL ROY	
	Examiner	Art Unit	
	Tri V. Nguyen	1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>01/2002</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment file on June 12, 2006 has been considered and is persuasive regarding claims 5,6, 9-19 but is ineffective to overcome the references regarding claims 1-4, 7 and 8. Claims 1, 13, 16 and 18 have been amended for typographical errors. The currently pending claims considered below are Claims 1-19.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Golden et al. (5,857,175).

Claim 1: Golden et al. discloses a promotional data delivery system comprising:

(a) first interfacing means for providing interaction between a host computer and one or more promoters, the first interfacing means comprising:

(1) defining means for the one or more promoters to fashion one or more promotional materials (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27);

(2) inputting means for the one or more promoters to enter one or more target consumer profiles corresponding to the one or more of the promotional materials (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27); and

(3) database means for accessibly storing a target consumer profile for each of the one or more target consumer profiles entered by the one or more promoters in a manner relatable with consumer profiles (col 3, lines 23-31 and col 7, lines 13-27);

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(b) second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system, the second interfacing means comprising:

(1) profiling means for each consumer to establish a consumer profile by responding to profiling queries provided by the host computer (col 5, lines 21-55);
and

(2) database means for accessibly storing a consumer profile for each of the one or more consumers in a manner relatable with the target consumer profiles (col 4, lines 25-41 and col 11, lines 8-10);

(c) querying means for searching the database means with the consumer profiles according to the target consumer profiles to form a list of one or more consumers to receive promotional materials generated by the one or more promoters (col 3, lines 57 to col 4, lines 24);

(d) establishing means for forming a list of one or more targeted consumers based on the querying means (col 7, lines 13-27); and

(e) delivering means for providing to each of the targeted consumers the promotional materials (col 4, lines 62-67 and col 5, lines 21-55).

Claim 2: Golden et al. discloses a promotional data delivery system as claimed in claim 1, wherein the second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system further comprises registering means for enrolling each of the one or more consumers as subscribing consumers (col 4, lines 25-41; col 11, lines 8-10 and col 12, lines 14-19).

Claim 3: Golden et al. discloses a promotional data delivery system as claimed in claim 2, wherein the registering means for enrolling each of the one or more consumers as subscribing consumers further comprises means for each of the one or more consumers

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to affirmatively consent to receive one or more promoter-generated promotional materials without the affirming consumer:

(A) contemporaneously requesting specific promotional material (col 4, lines 25-41 and col 5, lines 21-55); and

(B) necessarily authorizing each distribution of promotion material on a per-transaction basis (col 4, lines 25-41 and col 5, lines 21-55).

Claim 4: Golden et al. discloses a promotional data delivery system as claimed in claim 1, the system further comprising tracking means for correlating successive coupon deliveries as made by the host (col 7, line 59 to col 8, line 23 and col 14, lines 46-58).

Claim 7: Golden et al. discloses a promotional data delivery system as claimed in claim 1, wherein the first interfacing means for providing interaction between a host computer and one or more promoters further comprises transmission means for generating and automatically forwarding to an entity designated by each of the promoters, an email or other type of notification as an acknowledgement of activity (col 7, line 59 to col 8, line 23).

Claim 8: Golden et al. discloses a promotional data delivery system as claimed in claim 1, wherein the profiling queries are comprised of consumer identity and preference determining queries (col 5, lines 21-55).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8, 10, 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Golden et al. (US 2002/0178051).

Claim 1: Golden et al. discloses a promotional data delivery system comprising:

(a) first interfacing means for providing interaction between a host computer and one or more promoters, the first interfacing means comprising:

(1) defining means for the one or more promoters to fashion one or more promotional materials (page 2, parag. 28; page 3, parag. 31; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9);

(2) inputting means for the one or more promoters to enter one or more target consumer profiles corresponding to the one or more of the promotional materials (page 2, parag. 28; page 3, parag. 31; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9); and

(3) database means for accessibly storing a target consumer profile for each of the one or more target consumer profiles entered by the one or more promoters in a manner relatable with consumer profiles (page 2, parag. 28; page 3, parag. 31; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9);

(b) second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system, the second interfacing means comprising:

(1) profiling means for each consumer to establish a consumer profile by responding to profiling queries provided by the host computer (page 2, parag. 29; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9); and

(2) database means for accessibly storing a consumer profile for each of the one or more consumers in a manner relatable with the target consumer

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profiles (page 2, parag. 29; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9);

(c) querying means for searching the database means with the consumer profiles according to the target consumer profiles to form a list of one or more consumers to receive promotional materials generated by the one or more promoters (page 3, parag. 31; page 4, parag. 41-50 and figs 1, 3, 8, 9);

(d) establishing means for forming a list of one or more targeted consumers based on the querying means (page 3, parag. 31-34; page 4, parag. 41-54 and page 5, parag. 66); and

(e) delivering means for providing to each of the targeted consumers the promotional materials (page 3, parag. 31-34; page 4, parag. 41-54 and page 5, parag. 66).

Claim 2: Golden et al. discloses a promotional data delivery system as claimed in claim 1, wherein the second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system further comprises registering means for enrolling each of the one or more consumers as subscribing consumers (page 4, parag. 5-59).

Claim 3: Golden et al. discloses a promotional data delivery system as claimed in claim 2, wherein the registering means for enrolling each of the one or more consumers as subscribing consumers further comprises means for each of the one or more consumers to affirmatively consent to receive one or more promoter-generated promotional materials without the affirming consumer:

(A) contemporaneously requesting specific promotional material (page 3, parag. 38 and page 5, parag. 65); and

(B) necessarily authorizing each distribution of promotion material on a per-transaction basis (page 3, parag. 38 and page 5, parag. 65).

Claim 4: Golden et al. discloses a promotional data delivery system as claimed in claim 1, the system further comprising tracking means for correlating successive coupon deliveries as made by the host (page 5, parag. 66).

Claim 5: Golden et al. discloses a promotional data delivery system as claimed in claim 1, wherein the second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system further comprises selecting means for the consumer to request one or more of the promotional materials defined by the one or more promoters and thereby one or more identification numbers of the selected promotional material are transmitted to the host computer (page 4, parag. 55-60; page 5, parag. 65 and page 6, parag. 77-78).

Claim 6: Golden et al. discloses a promotional data delivery system as claimed in claim 5, wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials requested by the consumer (page 5, parag. 66 and 70-71).

Claim 7: Golden et al. discloses a promotional data delivery system as claimed in claim 1, wherein the first interfacing means for providing interaction between a host computer and one or more promoters further comprises transmission means for generating and automatically forwarding to an entity designated by each of the promoters, an email or other type of notification as an acknowledgement of activity (page 7, parag. 85).

Claim 8: Golden et al. discloses a promotional data delivery system as claimed in claim 1, wherein the profiling queries are comprised of consumer identity and preference determining queries (page 6, parag. 75).

Claim 10: Golden et al. discloses a promotional data delivery system as claimed in claim 1, wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials generated by the promoters is comprised of the transmission, by the host to each targeted consumer, of an electronic coupon available for verification by participating retailers and printable electronic coupons for targeted consumers to print locally and transport to participating retailers (page 5, parag. 71-73).

Claim 18: Golden et al. discloses a method of promotional data delivery, the method comprising the steps of:

(a) interfacing between a host computer and one or more promoters wherein the step of interfacing between the host and the one or more promoters further comprises the steps of:

(i) defining, by the one or more promoters, one or more promotional materials (page 2, parag. 28; page 3, parag. 31; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9); and

(ii) inputting one or more target consumer profiles corresponding to the one or more promotional materials by the one or more promoters into a database of the host (page 2, parag. 28; page 3, parag. 31; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9));

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(b) interfacing between the host computer and one or more subscribing consumers wherein the step of interfacing between the host computer and the one or more subscribing consumers further comprises the steps of:

(1) presenting one or more profiling queries, by the host computer and to the one or more subscribing consumers (page 2, parag. 29; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9);

(2) transmitting, by the one or more subscribing consumers to the host computer, responses to the one or more profiling queries (col 4, lines 25-41 and col 11, lines 8-10);

(3) selecting, by the one or more subscribing consumers, one or more the promotional materials defined by the promoters (page 4, parag. 55-60; page 5, parag. 65 and page 6, parag. 77-78);

(4) transmitting, by the one or more subscribing consumers to the host computer, the selected one or more promotional materials (page 4, parag. 55-60; page 5, parag. 65 and page 6, parag. 77-78); and

(5) storing, by the host computer in the database, one or more subscribing consumer profiling queries and the selections by the one or more subscribing consumers (page 4, parag. 55-60; page 5, parag. 65 and page 6, parag. 75-78);

(c) searching, by the host computer, of the database containing the one or more subscribing consumer profiles; said searching based on target consumer profiles (page 3, parag. 31; page 4, parag. 41-50 and figs 1, 3, 8, 9);

(d) identifying, by the host computer, subscribing consumer profiles satisfying said searching based on target consumer profiles (page 3, parag. 31-34; page 4, parag. 41-54 and page 5, parag. 66);

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(e) establishing, by the host computer, from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters (page 3, parag. 31-34; page 4, parag. 41-54 and page 5, parag. 66);

(f) transmitting by the host computer, promotional materials for the targeted consumers and one or more of the promotional materials both defined by the promoters and selected by the one or more subscribing consumers in an electronic document (page 3, parag. 31-34; page 4, parag. 41-54 and page 5, parag. 66);

(g) printing, by the subscribing consumer a hardcopy of the electronic document (page 5, parag. 71-73); and

(h) delivering to a sponsoring retailer the hardcopy for scanned redemption (page 5, parag. 71-73).

Claim 19: Golden et al. discloses a method of promotional data delivery as claimed in claim 18, the method further comprising the step of tracking, by the promoters, scanned coupon redemptions (page 5, parag. 71-73).

6. Claims 1-8, 10 and 12-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Postrel (US 2004/0220854).

Claim 1: Postrel discloses a promotional data delivery system comprising:

(a) first interfacing means for providing interaction between a host computer and one or more promoters, the first interfacing means comprising:

(1) defining means for the one or more promoters to fashion one or more promotional materials (page 1, parag. 11, 15, 18 and 22);

(2) inputting means for the one or more promoters to enter one or more target consumer profiles corresponding to the one or more of the promotional materials (page 1, parag. 11, 15, 18 and 22); and

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(3) database means for accessibly storing a target consumer profile for each of the one or more target consumer profiles entered by the one or more promoters in a manner relatable with consumer profiles (page 1, parag. 11, 15, 18 and 22);

(b) second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system, the second interfacing means comprising:

(1) profiling means for each consumer to establish a consumer profile by responding to profiling queries provided by the host computer (page 1, parag. 11, 15, 18 and 22; page 3, parag. 34); and

(2) database means for accessibly storing a consumer profile for each of the one or more consumers in a manner relatable with the target consumer profiles (page 1, parag. 11, 15, 18 and 22; page 3, parag. 34);

(c) querying means for searching the database means with the consumer profiles according to the target consumer profiles to form a list of one or more consumers to receive promotional materials generated by the one or more promoters (page 1, parag. 11, 15, 18 and 22);

(d) establishing means for forming a list of one or more targeted consumers based on the querying means (page 1, parag. 11, 15, 18 and 22); and

(e) delivering means for providing to each of the targeted consumers the promotional materials (page 4, parag. 40-41).

Claim 2: Postrel discloses a promotional data delivery system as claimed in claim 1, wherein the second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system further comprises registering means for enrolling each of the one or more consumers as subscribing consumers (page 5, parag. 56).

Claim 3: Postrel discloses a promotional data delivery system as claimed in claim 2, wherein the registering means for enrolling each of the one or more consumers as subscribing consumers further comprises means for each of the one or more consumers to affirmatively consent to receive one or more promoter-generated promotional materials without the affirming consumer:

(A) contemporaneously requesting specific promotional material (page 3, parag. 35); and

(B) necessarily authorizing each distribution of promotion material on a per-transaction basis (page 3, parag. 35).

Claim 4: Postrel discloses a promotional data delivery system as claimed in claim 1, the system further comprising tracking means for correlating successive coupon deliveries as made by the host (page 2, parag. 22-26 and page 7, parag. 70).

Claim 5: Postrel discloses a promotional data delivery system as claimed in claim 1, wherein the second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system further comprises selecting means for the consumer to request one or more of the promotional materials defined by the one or more promoters and thereby one or more identification numbers of the selected promotional material are transmitted to the host computer (page 3, parag. 32-33).

Claim 6: Postrel discloses a promotional data delivery system as claimed in claim 5, wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials requested by the consumer (page

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1, parag. 13-14 and page 4, parag. 43-44).

Claim 7: Postrel discloses a promotional data delivery system as claimed in claim 1, wherein the first interfacing means for providing interaction between a host computer and one or more promoters further comprises transmission means for generating and automatically forwarding to an entity designated by each of the promoters, an email or other type of notification as an acknowledgement of activity (page 4, parag. 43-44).

Claim 8: Postrel discloses a promotional data delivery system as claimed in claim 1, wherein the profiling queries are comprised of consumer identity and preference determining queries (page 6, parag. 57).

Claim 10: Postrel discloses a promotional data delivery system as claimed in claim 1, wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials generated by the promoters is comprised of the transmission, by the host to each targeted consumer, of an electronic coupon available for verification by participating retailers and printable electronic coupons for targeted consumers to print locally and transport to participating retailers (page 2, parag. 21-22; 4, parag. 41-43 and page 7, parag. 70).

Claim 12: Postrel discloses a method of promotional data delivery, the method comprising the steps of:

(a) interfacing between a host computer and one or more promoters wherein the step of interfacing between the host and the one or more promoters further comprises the steps of:

(1) defining, by the one or more promoters, one or more promotional materials (page 1, parag. 11, 15, 18 and 22); and

(2) inputting one or more target consumer profiles corresponding to the one or more promotional materials by the one or more promoters into a database of the host (page 1, parag. 11, 15, 18 and 22) ;

(b) interfacing between the host computer and one or more subscribing consumers wherein the step of interfacing between the host computer and the one or more subscribing consumers further comprises the steps of:

(1) presenting one or more profiling queries, by the host computer and to the one or more subscribing consumers (page 1, parag. 11, 15, 18 and 22; page 3, parag. 34);

(2) transmitting, by the one or more subscribing consumers to the host computer, responses to the one or more profiling queries (page 1, parag. 11, 15, 18 and 22; page 3, parag. 34 and page 6, parag. 57); and

(3) storing, by the host computer in the database, one or more subscribing consumer profiling queries and the selections by the one or more subscribing consumers (page 1, parag. 11, 15, 18 and 22; page 3, parag. 34 and page 6, parag. 57);

(c) searching, by the host computer, of the database containing the one or more subscribing consumer profiles; said searching based on target consumer profiles (page 1, parag. 11, 15, 18 and 22);

(d) identifying, by the host computer, subscribing consumer profiles satisfying said searching based on target consumer profiles (page 1, parag. 11, 15, 18 and 22);

(e) establishing, by the host computer, from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters (page 1, parag. 11, 15, 18 and 22);

(f) printing, by one or more printers attached to the host computer, promotional materials for the targeted consumers and one or more of the promotional materials both defined

by the promoters and selected by the one or more subscribing consumers (page 2, parag. 21 and page 4, parag. 41-43); and

(g) delivering to each subscribing consumer the printed promotional materials selected by each respective subscribing consumer and the promotional materials established for each as a targeted consumer (page 2, parag. 21 and page 4, parag. 41-43).

Claim 13: Postrel discloses a method of promotional data delivery as claimed in claim 12, wherein the step of interfacing between the host computer and the one or more subscribing consumers further comprises the steps of:

(a) selecting, by the one or more subscribing consumers, to one or more promotional materials defined by the promoters (page 3, parag. 32-33);

(b) transmitting, by the one or more subscribing consumers to the host computer, the selected one or more promotional materials (page 3, parag. 32-33); and

(c) storing, by the host computer in a database, the selections by the one or more subscribing consumers (page 3, parag. 32-33).

Claim 14: Postrel discloses a method of promotional data delivery as claimed in claim 12, wherein the step of interfacing between the host computer and the one or more subscribing consumers further comprises the steps of:

(a) registering, by the one or more subscribing consumers (page 5, parag. 56);
and

(b) transmitting, by the one or more subscribing consumers to the host computer, consent to receive promotional materials as targeted consumers (page 3, parag. 35).

Claim 15: Postrel discloses a method of promotional data delivery as claimed in claim 12, wherein the profiling queries are comprised of consumer identity and preference determining queries (page 6, parag. 57).

Claim 16: Postrel discloses a method of promotional data delivery as claimed in claim 12, wherein the step of interfacing between the host and the one or more promoters further comprises the steps of automatically generating and forwarding an email or other type of notification to an entity designated by each of the promoters acknowledging the interfacing (page 4, parag, 43-44).

Claim 17: Postrel discloses a method of promotional data delivery as claimed in claim 12, the method further comprising the step of tracking, by the host computer, the coupon deliveries as they are made by the host (page 2, parag. 22-26 and page 7, parag. 70).

Claim 18: Postrel discloses a method of promotional data delivery, the method comprising the steps of:

(a) interfacing between a host computer and one or more promoters wherein the step of interfacing between the host and the one or more promoters further comprises the steps of:

(i) defining, by the one or more promoters, one or more promotional materials (page 2, parag. 28; page 3, parag. 31; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9); and

(ii) inputting one or more target consumer profiles corresponding to the one or more promotional materials by the one or more promoters into a database of the host (page 2, parag. 28; page 3, parag. 31; page 4, parag. 42-50; page 5, parag. 74 and Figs 1, 3, 8 and 9));

(b) interfacing between the host computer and one or more subscribing consumers wherein the step of interfacing between the host computer and the one or more subscribing consumers further comprises the steps of:

(1) presenting one or more profiling queries, by the host computer and to the one or more subscribing consumers (page 1, parag. 11, 15, 18 and 22);

(2) transmitting, by the one or more subscribing consumers to the host computer, responses to the one or more profiling queries (page 1, parag. 11, 15, 18 and 22);

(3) selecting, by the one or more subscribing consumers, the one or more promotional materials defined by the promoters (page 3, parag. 32-33);

(4) transmitting, by the one or more subscribing consumers to the host computer, the selected one or more promotional materials (page 3, parag. 32-33); and

(5) storing, by the host computer in the database, one or more subscribing consumer profiling queries and the selections by the one or more subscribing consumers (page 3, parag. 32-33);

(c) searching, by the host computer, of the database containing the one or more subscribing consumer profiles; said searching based on target consumer profiles (page 1, parag. 11, 15, 18 and 22);

(d) identifying, by the host computer, subscribing consumer profiles satisfying said searching based on target consumer profiles (page 1, parag. 11, 15, 18 and 22);

(e) establishing, by the host computer, from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters (page 1, parag. 11, 15, 18 and 22);

(f) transmitting by the host computer, promotional materials for the targeted consumers and one or more of the promotional materials both defined by the promoters and selected by the one or more subscribing consumers in an electronic document (page 1, parag. 11, 15, 18 and 22);

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(g) printing, by the subscribing consumer a hardcopy of the electronic document (page 2, parag. 21-22; 4, parag. 41-43 and page 7, parag. 70); and

(h) delivering to a sponsoring retailer the hardcopy for scanned redemption (page 2, parag. 21-22; 4, parag. 41-43 and page 7, parag. 70).

Claim 19: Postrel discloses a method of promotional data delivery as claimed in claim 18, the method further comprising the step of tracking, by the promoters, scanned coupon redemptions (page 2, parag. 21-22; 4, parag. 41-43 and page 7, parag. 70).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel.

Claim 9: Postrel discloses a promotional data delivery system as claimed in claim 1, but does not explicitly disclose wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials generated by the promoters is comprised of one or more printers electronically and securely connected to the host and postal packages carrying promotional materials printed by the host computers addressed to the targeted consumers. Postrel discloses the feature of printing the promotional materials and delivering via postal services (page 2, parag. 21 and page 4, parag. 41-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Postrel, with securely connected printers since it was known in the art that a secure connection is necessary to ensure that data are not lost, wrongly accessed or distributed.

Claim 11: Postrel discloses a promotional data delivery system comprising:

(a) first interfacing means for providing interaction between a host computer and one or more promoters, the first interfacing means comprising:

(1) defining means for the one or more promoters to fashion one or more promotional materials (page 1, parag. 11, 15, 18 and 22);

(2) inputting means for the one or more promoters to enter one or more target consumer profiles corresponding to one or more of the promotional materials (page 1, parag. 11, 15, 18 and 22);

(3) database means for accessibly storing a target consumer profile for each of the one or more target consumer profiles entered by the one or more promoters in a manner relatable with consumer profiles (page 1, parag. 11, 15, 18 and 22);

(b) second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system, the second interfacing means comprising:

(1) registering means for enrolling each of the one or more consumers as subscribing consumers (page 5, parag. 56);

(2) profiling means for each consumer to establish a consumer profile by responding to profiling queries provided by the host computer; said queries comprised of consumer data determining queries and consumer identity determining queries (page 6, parag. 57);

(3) selecting means for the consumer to request one or more of the promotional materials defined by the one or more promoters (page 3, parag. 32-33); and

(4) database means for accessibly storing a consumer profile for each of the one or more consumers in a manner relatable with the target consumer profiles (page 1, parag. 11, 15, 18 and 22);

(c) querying means for searching the database means with the consumer profiles according to the target consumer profiles to form a list of one or more consumers to receive promotional materials generated by the one or more promoters (page 1, parag. 11, 15, 18 and 22);

(d) establishing means for forming a list of one or more targeted consumers based on the querying means (page 1, parag. 11, 15, 18 and 22);

(e) one or more printers electronically and securely connected to the host for the printing of promotional materials for delivery to the targeted consumers by a service selected from a group consisting of US Postal Service and parcel delivery services; and

(f) tracking means for correlating successive coupon deliveries as made by the host (page 2, parag. 22-26 and page 7, parag. 70).

Postrel does not explicitly disclose step (e). Postrel discloses the feature of printing the promotional materials and delivering via postal services (page 2, parag. 21 and page 4, parag. 41-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Postrel, with securely connected printers since it was known in the art that a secure connection is necessary to ensure that data are not lost, wrongly accessed or distributed.

Response to Arguments

9. Applicant's arguments, see pages 13-24, filed June 12 2006, with respect to claims 5, 6 and 9-19 have been fully considered and are persuasive. The rejection under 102(b) of claims 5, 6 and 9-19 has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Golden et al. and Postrel (see above).

Regarding Claim 1, the Applicant argues that the prior art does not teach "the delivery means for providing" (page 12). The Examiner respectfully disagrees as the prior art of Day et al. teaches the delivery of discount offers printed on the shopping list (col 10, lines 30-39). The delivery means of the Applicant is a coupon that is printable as mentioned by the Applicant in the argument on page 12.

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Furthermore, the Applicant argues that Claims 2-4 and 7-8 are allowable based on their dependency on Claim 1. The response provided above is therefore also directed to Claims 2-4 and 7-8.

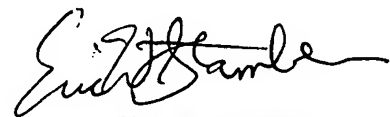
Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029 and Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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